



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 03-JUN-2021

ORM Number: SAC-2020-01298

Associated JDs: N/A

Review Area Location¹:

State: SC City: Awendaw County: Charleston County

Center Coordinates of Review Area: Latitude 32.921689 Longitude -79.758226

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: The 0.56-acre site does not contain any aquatic resources, including aquatic resources that would be subject to regulatory jurisdiction under Section 404 of the Clean Water Act or Sections 9 and 10 of the Rivers and Harbors Act.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide and included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: *Final Plat, Phase 3A Big Paradise Island, received on September 20, 2020*.
This information *is and is not* sufficient for purposes of this AJD.
Rationale: *No information regarding site conditions was provided with the request.*
- Data sheets prepared by the Corps: *Wetland Determination Data Form – Atlantic and Gulf Coastal Plain Region (Sampling Points DP1 and DP 2)*.
- Photographs: *Mapped Photo Log (site photos taken on May 14, 2021); Google Earth Imagery taken on January 28th, 2020*.
- Corps Site visit(s) conducted on: *May 14, 2021*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *PJDs issued on September 22, 2020 (SAC-2020-1089) and November 23, 2020 (SAC-2020-1358)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Web Soil Survey: Charleston County Area*
- USFWS NWI maps: *NWI Wetlands Mapper*.
- USGS topographic maps: *Cainhoy 7.5-minute map (2020)*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	LiDAR Data from the South Carolina Department of Natural Resources
Other Sources	N/A.

B. Typical year assessment(s): To determine if the conditions observed during a May 14, 2021 Corps site visit were normal, the Antecedent Precipitation Tool (APT) was ran for that date. Results from the APT indicated that precipitation conditions for the previous 90 days were within the normal range. The 30-day rolling average of precipitation was three inches and approximately 1 inch of rain had been

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observed in the area 48 hours prior to the site visit. The Palmer Drought Severity Index was measured at 'incipient wetness', indicating that the region's long-term conditions was not in drought. Based on this information, short-term conditions were normal in the area with slightly wetter than normal long-term conditions.

- C. Additional comments to support AJD:** Prior to visiting the site, a review of NWI data, NRCS soil survey information, and LiDAR information was reviewed to determine if any aquatic features or wetlands could potentially occur on the site. No aquatic features were detected during this review, but the site is located near a tidal marsh associated with Deep Creek (a tributary to the Wando River). A review of two PJDs (SAC-2020-01089 and SAC-2020-1358) issued for lots on the same street and an area to the west indicated that both freshwater wetlands and tidal wetlands had potential to occur on the site based on similar topography and position on the landscape.

On May 14, 2021, the Corps visited the site to complete a wetland delineation. Two data points were established on the property following the procedures in the 1987 Wetland Delineation Manual and the Atlantic and Gulf Coast Regional Supplement, and information was collected about the vegetation, soils, and hydrology present on the site. This information indicated that the area was not a wetland since there were no hydric soils or hydrology observed on the site.

Based on the lack of aquatic features or wetland conditions, the site consists entirely of uplands and no waters of the U.S. are present.

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